

**From:** [Cisneros, Jose](#)  
**To:** [Moore, Tammy](#)  
**Cc:** [Bardo, Kenneth](#)  
**Subject:** FW: Solutia, Sauget, IL - Response to IEPA Request for Additional Letter re Judith Lane Containment Cell  
**Date:** Monday, December 16, 2013 1:26:22 PM  
**Attachments:** [Apr 9 2013 Solutia letter to IEPA.pdf](#)  
[Aug 20 2013 USEPA letter to IEPA.pdf](#)  
[Dec 16 2013 Solutia letter to IEPA.pdf](#)

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Hi—

Remind me what Rob Watson and Steve Nightingale said last week about the Solutia permit for the landfill?

Thanks

Joe

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**From:** Rinaldi, Jerry [mailto:[gmrina@eastman.com](mailto:gmrina@eastman.com)]  
**Sent:** Monday, December 16, 2013 1:12 PM  
**To:** [Steve.Nightingale@illinois.gov](mailto:Steve.Nightingale@illinois.gov)  
**Cc:** Watson, Rob; Smith, Clarence; Lake, Paul; Carson, Robert; Tanaka, Joan; Linebaugh, Stephanie Ball; Cisneros, Jose; Bardo, Kenneth; Bumb, Cathleen S; Smith, Steven D - Contractor; Mark Haddock - Golder; Ken Berry - URS  
**Subject:** Solutia, Sauget, IL - Response to IEPA Request for Additional Letter re Judith Lane Containment Cell

This e-mail is in response to IEPA's 12/03/13 e-mail below.

For background, the first attachment is the related 04/09/13 Solutia letter issued in response to a 03/28/13 IEPA e-mail, and the second is the 08/20/13 USEPA letter that eventually followed and is referenced below.

The third attachment is Solutia's response to IEPA's current request.

I'll close by repeating from my 09/13/13 e-mail below: After IEPA resumes its review of Solutia's 03/30/12 revised RCRA RAPP application, please let me know if and when IEPA has any questions that Solutia and its consultants (included in "Cc" on this e-mail) can answer. As before, Solutia would also be interested in any projection that IEPA can offer as to when its application review will be completed.

G. M. (Jerry) Rinaldi  
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St. Louis, MO 63141  
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**From:** Smith, Clarence [mailto:[Clarence.Smith@Illinois.gov](mailto:Clarence.Smith@Illinois.gov)]  
**Sent:** Tuesday, December 03, 2013 2:07 PM  
**To:** Rinaldi, Jerry  
**Cc:** Nightingale, Steve; Watson, Rob; Smith, Steven D - Contractor; Lake, Paul; Tanaka, Joan

([tanaka.joan@epa.gov](mailto:tanaka.joan@epa.gov)); Carson, Robert  
**Subject:** RE: Call with Solutia 12/3 or 5  
**Importance:** High

Mr. Rinaldi:

In discussions with Steve Nightingale, the issue appears to be associated with the statement in the August 20, 2013, USEPA letter to Illinois EPA regarding the transitioning of the site from CERCLA to RCRA. The statement is

“...Assuming Solutia and the other potentially responsible parties agree in a CERCLA Consent Decree that the JLCC will be managed in accordance with the final site Record of Decision, and that Solutia will be solely liable and responsible for the long-term operation and maintenance of the JLCC under RCRA and TSCA regulation, it may be possible to defer the regulation of the JLCC...”

While we know that any such CERCLA Consent Decree is years away from being finalized, Illinois EPA would like a letter from Solutia reaffirming that this is the long-term intention for the JLCC. I think that we all realize that there are no absolutes, but I think that such a letter would give a certain amount of surety in the expending of the necessary resources to review and finalize a RCRA RAPP permit. It is my understanding that this letter would be viewed as an assurance from Solutia that this statement is their intent.

Hope that this helps. If you should have any questions, need any additional information or would care to discuss this matter further, please let me know.

Respectfully,

CLS

Clarence L. Smith, Manager  
Federal Site Remediation Section  
Division of Remediation Management  
Bureau of Land

Illinois Environmental Protection Agency  
1021 North Grand Avenue, East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

217-524-1655

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**From:** Rinaldi, Jerry [<mailto:gmrina@eastman.com>]  
**Sent:** Tuesday, November 26, 2013 4:21 PM  
**To:** Smith, Clarence  
**Cc:** Nightingale, Steve; Watson, Rob; Smith, Steven D - Contractor  
**Subject:** Call with Solutia 12/3 or 5

While I was on vacation 11/22, you left me a voice message saying that you had some questions “unrelated to the Sauget cleanup” on “larger issues.” After you return from vacation 12/3, I propose that my Solutia CERCCLA counterpart Steve Smith and I (remember: my responsibility is RCRA) call you any time on 12/3 or 12/5; please reply with the date and time that you’d like us to do so.

Meanwhile, I called Rob Watson today for an update on the communications below from two months ago; he said that IEPA and/or US EPA were still discussing. I’d like your input, either in response to this e-mail or when we talk next week.

Thanks,

G. M. (Jerry) Rinaldi  
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**From:** Watson, Rob [<mailto:Rob.Watson@illinois.gov>]  
**Sent:** Thursday, September 19, 2013 2:21 PM  
**To:** Rinaldi, Gerald M  
**Cc:** Nightingale, Steve; Smith, Clarence; Bardo, Kenneth; [mark\\_haddock@golder.com](mailto:mark_haddock@golder.com); [kenneth.berry@urs.com](mailto:kenneth.berry@urs.com); Smith, Steven D - Contractor; Moore, James K.  
**Subject:** RE: Sauget Area I - Judith Lane Containment Cell CERCLA-to-RCRA-Deferral Proposal

Jerry,

No, IEPA has not resumed the review of the RCRA RAPP application – yet. We are still having some internal discussions regarding the identification of each activity that needs to be done to transfer the JLCC from CERCLA to RCRA. In particular, Steve Nightingale is concerned about the requirement that all responsible parties (PRPs) sign a CERCLA consent decree. We are reluctant to allocate the resources needed to review and public notice a RCRA permit application until we have a better understanding of the ramifications (if any) that the CERCLA consent decree referenced in the letter might have on the RCRA permit process.

Having said that, I am confident we will be able to work through this and resume the review in the near future. I will definitely let you know when that happens.

Rob

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**From:** Rinaldi, Gerald M [<mailto:gmrina@solutia.com>]  
**Sent:** Friday, September 13, 2013 8:59 AM  
**To:** Smith, Clarence; Watson, Rob  
**Cc:** Nightingale, Steve; Bardo, Kenneth; [mark\\_haddock@golder.com](mailto:mark_haddock@golder.com); [kenneth.berry@urs.com](mailto:kenneth.berry@urs.com); Smith, Steven D - Contractor  
**Subject:** RE: Sauget Area I - Judith Lane Containment Cell CERCLA-to-RCRA-Deferral Proposal

CLARENCE, thanks for forwarding the attached letter because I had not received it until you did so. Could you elaborate on the couple of issues that IEPA is still working through with USEPA?

ROB, as "[US]EPA suggests," has IEPA "resume[d] review of the Solutia RCRA RAPP application"? Assuming so, please let me know if and when IEPA has any questions that Solutia and its consultants (included in "Cc" on this e-mail) can answer. As before, Solutia would also be interested in any projection that IEPA can offer as to when its application review will be completed.

Jerry

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**From:** Smith, Clarence  
**Sent:** Thursday, September 12, 2013 2:43 PM  
**To:** Rinaldi, Gerald M  
**Cc:** Nightingale, Steve; Watson, Rob; Clay, Doug; Phillips, Scott; Tanaka, Joan; Cisneros, Jose; Lake, Paul  
**Subject:** RE: Sauget Area I - Judith Lane Containment Cell CERCLA-to-RCRA-Deferral Proposal  
**Importance:** High

Jerry:

I am sorry, but I thought that you had received a copy of this letter [August 20, 2013, USEPA letter to IEPA]. Illinois EPA is still working through a couple of issues with USEPA, but I think that it is the collective opinion that we will proceed under the CERCLA Construct for the site (the Site I ROD is in process), while the concurrent review of the RCRA RAP is completed and the USEPA TSCA certification is issued.

At that point, and after the issues identified in the letter are addressed, the Judith Lane Landfill Cell will transition to the RCRA program.

If you should have any questions, or if I have misspoke, please let me know.

Respectfully,

CLS

Clarence L. Smith, Manager  
Federal Site Remediation Section  
Division of Remediation Management  
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